

Applic. No. 10/650,051
Amdt. dated April 27, 2006
Reply to Office action of December 5, 2005

Drawing Amendments

The attached sheet of drawings includes changes to Fig. 3b. This sheet which includes Fig. 2d, 3a and 3b, replaces the original sheet including Fig. 2d, 3a and 3b. In Fig. 3b, the line separating elements "36" and "38" was moved upward.

Please approve the drawing changes that are marked in red on the accompanying "Annotated Sheet Showing Changes" of Fig(s). 3b. A formal "Replacement Sheet" of amended Fig. 3b is also enclosed.

Attachments: Replacement Sheet
Annotated Sheet Showing Changes

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Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-9 and 12-18 remain in the application. Claims 1, 3, 4, 6, 12, and 16 have been amended. Claims 10, 11, 19, and 20 are being cancelled herewith.

In item 1 on page 2 of the above-identified Office action, the drawings have been objected to because the line separating the cable plug 36 and cable 38 in Fig. 3B appears to be superimposed upon the line framing the sensor carrier.

The Examiner stated that moving the line up or down slightly will visually separate the two parts. Fig. 3B has been changed as per the Examiner's suggestion. Therefore, the objection to the drawings by the Examiner is believed to have been overcome.

In item 2 on page 2 of the above-identified Office action, claim 4 has been objected to because of the following informalities.

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The Examiner stated that the phrase "and a control and" should read "a control and". Applicants respectfully disagree with the Examiner. The last item of the list is a control and evaluation unit 52. Accordingly, both ands are required. Therefore, claim 4 has not been amended to overcome the objection by the Examiner.

In item 3 on page 3 of the Office action, claim 12 has been objected to because of the following informalities.

The Examiner stated that the word "connected" in line 6 should be replace with "connecting". Applicants respectfully disagree with the Examiner. More specifically, the term connected to sensor electronics describes the fact that the sensor electrodes are connected to the sensor electronics. It is not an active method step of connecting the sensor electrodes. Accordingly, the use of "connected" is proper. Therefore claim 12 has not been amended to overcome the objection to claim 12 by the Examiner. .

Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

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In item 5 on page 3 of the Office action, claims 1, 2, and 12-15 have been rejected as being fully anticipated by Margolin et al. (U.S. Patent No. 4,230,938) (hereinafter "Margolin") under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in claims 10 and 11 and on page 16, lines 5-15 and page 17, lines 14-24 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

the sensor electronics having an evaluation device for distinguishing between the printing plates and the interlayers.

Claim 12 calls for, *inter alia*:

distinguishing between the printing plates and the interlayers before providing the printing plates for further processing.

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The Margolin reference discloses an apparatus that can read from and write onto electrosensitive paper. (column 1, lines 24-26). To read information that is printed on the paper, the styli sense a change in a signal (column 4, lines 52-55). Accordingly, Margolin discloses writing and reading information that is provided on a single piece of paper. The written information is sensed by changes in the signal.

The reference does not show the sensor electronics having an evaluation device for distinguishing between the printing plates and the interlayers, as recited in claim 1 of the instant application. The Margolin reference discloses an apparatus that can read from and write onto electrosensitive paper. Margolin discloses that every object looks the same, namely an electrosensitive paper with one layer of paper, one layer of ink, and one layer of aluminum. Margolin does not disclose distinguishing between different flat object in a stack, thus Margolin does not disclose an evaluation unit for distinguishing between printing plates and interlayers. This is contrary to the invention of the instant application as claimed, in which the sensor electronics have an evaluation device for distinguishing between the printing plates and the interlayers.

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Since claim 1 is believed to be allowable, dependent claim 2 is believed to be allowable as well.

The following remarks pertain to claim 12.

The reference does not show distinguishing between the printing plates and the interlayers before providing the printing plates for further processing, as recited in claim 1 of the instant application. The Margolin reference discloses an apparatus that can read from and write onto electrosensitive paper. Margolin discloses that every object looks the same, namely an electrosensitive paper with one layer of paper, one layer of ink, and one layer of aluminum. Margolin does not disclose distinguishing between printing plates and interlayers before providing the printing plates for further processing. This is contrary to the invention of the instant application as claimed, which recites distinguishing between the printing plates and the interlayers before providing the printing plates for further processing.

Since claim 12 is believed to be allowable, dependent claims 13-15 are believed to be allowable as well.

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Even though claims 1 and 12 are believed to be allowable, the following remarks pertain to the non-obviousness of claims 1 and 12.

The Margolin reference discloses a computer input/output device. Therefore, a combination of Margolin with any other reference cited by the Examiner, would lead to a device that would write on a printing plate. In a read mode Margolin discloses sensing the condition on the recording medium. Therefore, a combination of Margolin with any other reference cited by the Examiner, would lead to a device in which the condition on a printing plate could be examined (an imaged part of a printing plate could be read out). However, a modification of Margolin would not be a device that would distinguish flat objects. Accordingly, a person of ordinary skill in the art attempting to distinguish between flat objects would not be motivated to use Margolin.

In item 7 on page 4 of the Office action, claims 3, 4, 5, and 9 have been rejected as being obvious over Margolin (U.S. Patent No. 4,230,938) in view of Nakamura et al. (U.S. Patent No. 5,499,807) (hereinafter "Nakamura") under 35 U.S.C. § 103. Nakamura does not make up for the deficiencies of Margolin. Since claim 1 is believed to be allowable, dependent claims 3, 4, 5, and 9 are believed to be allowable as well.

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In item 8 on page 5 of the Office action, claims 6, 10, 11, 13, and 18-20 have been rejected as being obvious over Margolin (U.S. Patent No. 4,230,938) in view of Ganton (U.S. Patent No. 6,130,702) under 35 U.S.C. § 103. As noted above claims 10, 11, 19, and 20 have been cancelled. Ganton does not make up for the deficiencies of Margolin. Since claims 1 and 12 are believed to be allowable, dependent claims 6, 13, and 18 are believed to be allowable as well.

In item 9 on page 6 of the Office action, claim 16 has been rejected as being obvious over Margolin (U.S. Patent No. 4,230,938) under 35 U.S.C. § 103. Since claim 1 is believed to be allowable, dependent claim 16 is believed to be allowable as well.

In item 10 on page 7 of the Office action, claims 7 and 8 have been rejected as being obvious over Margolin (U.S. Patent No. 4,230,938) in view of Tanno et al. (U.S. Patent No. 6,511,172 B2) (hereinafter "Tanno") under 35 U.S.C. § 103. Tanno does not make up for the deficiencies of Margolin. Since claim 1 is believed to be allowable, dependent claims 7 and 8 are believed to be allowable as well.

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It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 12. Claims 1 and 12 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 12, they are believed to be patentable as well.

It is appreciatively noted from item 11 on page 8 of the Office action that claim 17 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims have not been amended as indicated by the Examiner, as the claims are believed to be patentable in their existing form.

In view of the foregoing, reconsideration and allowance of claims 1-9 and 12-18 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section

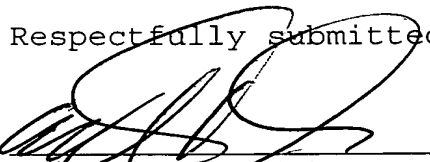
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1.136(a) in the amount of \$450 in accordance with Section 1.17
is enclosed herewith.

Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

Alfred K. Dassler
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For Applicant(s)

AKD:cgm

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Fig. 2d

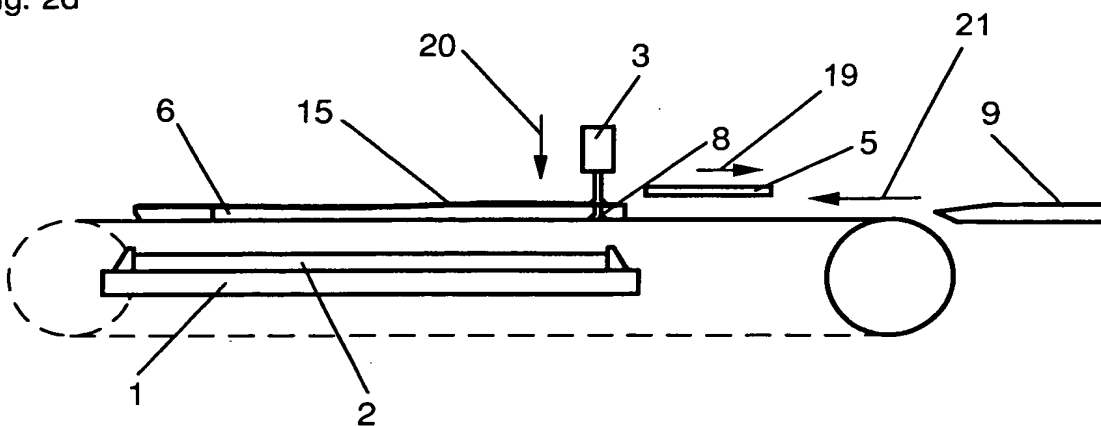


Fig. 3a

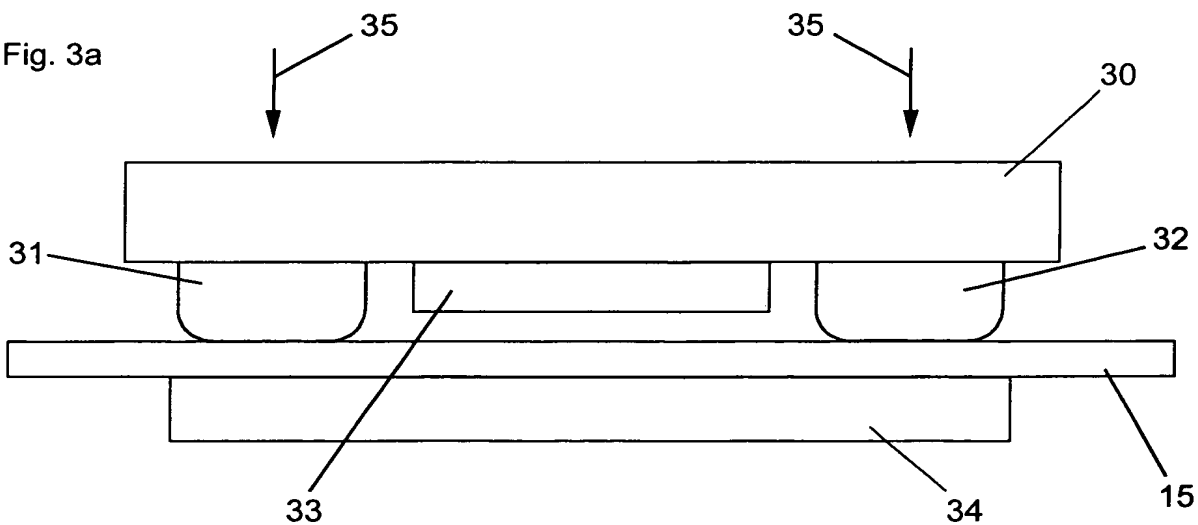


Fig. 3b

